

State of Washington DEPARTMENT OF ECOLOGY 4601 N Monroe Street Spokane, WA 99205-1295





7011 3500 0001 8621 7354







DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE MR PAT BEARD 76 LOWER DRY CREEK RD WALLA WALLA WA 99362



NIXIE 992 7E 1009 0010/10/13

NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. 	A. Signature X	
Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to:	B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
MR PAT BEARD 76 LOWER DRY CREEK RD WALLA WALLA WA 99362	Service Type □ Certified Mail □ Express Mail □ Registered □ Return Receipt for Merchandise □ Insured Mail □ C.O.D.	
	4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label) 7011	3500 0001 8621 7354	



4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 8, 2013

Mr. Pat Beard 76 Lower Dry Creek Road Walla Walla, Washington 99362

Re: Water Right Change Application No.'s 90 and 1837

Dear Mr. Beard:

On, August 29, 2013 this office notified you that your Water Change Application Nos. 90 and 1837 would be rejected unless you provided a reason why they were still needed; as the scope of the project has changed since they were filed.

Since we received no response to that notice, your applications for change to Walla River Adjudicated Surface Water Certificate No. 90 (CS3-*28090J) and Surface Water Certificate No. 1837, together with Certificate of Change 1-207 (CS3-*05604C), both received January 13, 2006, are hereby **rejected**.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form by mail or in person. (See addresses below.) Email is not accepted.

Mr. Beard Page 2 October 8, 2013

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,

Keith L. Stoffel Section Manager

Water Resources Program Eastern Regional Office

KLS/DT:md

Enclosure: Your Right to Be Heard

By certified mail: 7011 3500 0001 8621 7354

U.S. Postal Service™ CERTIFIED MAILT RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at www.usps.com® 8621 Postage Certified Fee 1000 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsemer 3500 Total Post: MR PAT BEARD 76 LOWER DRY CREEK RD 7011 WALLA WALLA WA 99362 Street, Apt. I or PO Box N City, State, 2 PS Form 3800, August 2006

DEPARTMENT OF ECOLOGY 4601 N Monroe Street Spokane, WA 99205-1295 State of Washington





MAILED FROM ZIP CODE 99205 SAMES POSTA 0004285354

\$ 06.31° AUG 29 2013

MR. PAT BEARD

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BWBS/51/13

RETURN TO SENDER DELIVERABLE AS ADDRESSED UNABLE TO FORWARD POR

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application 10 & 1837-A nos. we have had since response no 10/2/2013



4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 29, 2013

Mr. Pat Beard 76 Lower Dry Creek Road Walla Walla, WA 99362

Dear Mr. Beard:

Re: Application for change under Certificate Nos. 1837 and 90

The Department of Ecology (Ecology) is currently reviewing the change applications on file within Water Resource Inventory Area (WRIA) 32, the Walla Walla River Basin

During a review of our files, we found two sets of applications for change for each of the above-referenced water rights. The first set of applications for change were received on January 13, 2006 and requested to change the place of use. The second sets of applications for change were approved in 2012 and that completely changed the scope of the project. In addition, the Walla Walla County Assessor's web site indicates you no longer own any land described under Certificate Nos. 1837 and 90. Therefore, it appears that you no longer have any interest in the applications filed in 2005.

If we do not receive a response within 30 days of the date of this letter, it will be assumed that you no longer have any interest in these applications. At that time the applications for change will be rejected. Rejection of the applications will not affect the existing water rights.

R

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov.

Sincerely,

Dan Tolleson

Water Resources

Dan Tallen

Spokane Office

DT:ka

Enclosure:

Copies of Applications

By Certified Mail 7011 3500 0001 8621 7965





4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

March 16, 2006

Mr. Pat Beard 76 Lower Dry Creek Road Walla Walla, Washington 99362

Dear Mr. Beard:

Re: Application for Change under Surface Water Certificate No. 1837-A together with Certificate of Change No. 207

This letter is to acknowledge that the Washington State Department of Ecology received the original Affidavit of Publication of notice in connection with the above-numbered application for change on March 14, 2006.

The water codes require that we take no action on the application until at least thirty-(30) days after the last date of publication. This time period allows concerned citizens to file any protests or objections to your proposed water use.

You will be notified when an examination of your application will be made; however, it may be some time before this is done. Please be advised that you are required to obtain authorization before you can begin using the water applied for under this application, please note that no construction or water use should begin before a water right change permit is obtained.

If you have any questions regarding this letter, please contact me directly at 509-329-3585.

Sincerely,

Karen Tusa

Water Resources Program
Eastern Regional Office

KT: kla

W: Affidavit of Publication/letters 2006/SWC 1837-A w/chg ack-pub ltr 03 16 2006

RECEIVED
MAR 1 4 2006

DEPARTMENT OF ECOLOGY

Affidavit of Publication

Wi	lliam T	hyken	being	first duly sworn
ipon oath dej			,8	
	contro Valla Union-	<u>l 1 e r</u> Bulletin, Inc., P	ublisher of th	e
		LLA WALLA U VALLA DAILY		
State of Wash	ington, in ar		ılla County; a	or Court of the as such officer I
of which is an not in supplement	nnexed herei nent form) of	to, was publish said newspaper	ed in the regi	, a true copy ular issues (and reek for a period mencing on the
16th	_day of	Februar	У	_, 200 <u>_6</u> , and
ending on the	16th _{da}	y ofFe	bruary	, 200_6,
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Subscribed	d and sworn t	to before me thi	s24th	day of
F	ebruary		, 200_	<u>6</u> .
06		ich and for the State ing at Walla Walla, Wa	of Washington shington	ONOTAR DE LE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION FOR
CHANGE/TRANSFER OF WATER RIGHT UNDER ONE (1)
SURFACE WATER CERTIFICATE, TAKE NOTICE: That Pat
Beard of Walls Walls, Washing-Beard of Walla Walla, Washing-Beard of Walla Walla, Washington has made application for change/transfer of water right in order to change the place of use as granted under Surface use as granted under Surface Water Certificate No. 1837-A together with Certificate of Change No. 207. That Certificate No. 1837-A with Change No. 207 authorizes the diversion of 0.186 cubic foot per second Change No. 207. That Certificate No. 1837-A with Change No. 1837-A with Change of 0.186 cubic foot per second from April 1 to July 1, 0.140 cubic foot per second from July 1 to Oct. 1, and 0.280 cubic foot per second from Oct. 1 to April 1 for the irrigation of 14 acres. That the present point of diver. That the present place of use is within the NEL/ANEL/4 of River, within the NEL/ANEL/4 of River, within the NEL/ZEL/2 of Sec. 29, within the El/ZEL/2 of Sec. 29, within the El/ZEL/2 of Sec. 29, within the El/ZEL/2 of Sec. 29, within the proposes to change the place of use to the following: place of use to the following: Tracts 1, 2, and 3 of Short Plat Tracts 1, 2, and 3 of Short Plat

AFF. UN: 1 3-14

CHIKO BY:





4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 30, 2006

Mr. Pat Beard 76 Lower Dry Creek Road Walla Walla, WA 99362

Dear Mr. Beard:

Re: Application for Change under Surface Water Certificate No. 1837-A together with Certificate of Change No. 207

Enclosed is a notice of your application which must be published <u>once a week for two</u> <u>consecutive weeks</u> in the Union Bulletin <u>or</u> the Waitsburg Times published in Walla Walla County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the <u>second</u> publication must appear in the space in the notice over the caption "last date of publication."

The cost of publishing the notice is the responsibility of the water right applicant. To assure accuracy, it is the responsibility of the applicant to check the notice carefully before having it published. If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the <u>original notarized affidavit</u> of that publication. Publication should start within thirty-(30) days and the affidavit must be received in this office within sixty-(60) days from the date of this letter or rejection will be initiated.

Sincerely,

Karen Tusa

Water Resources Program Eastern Regional Office

KT: kla

W: Public Notices/Tusa/2006/SW Cert 1837 Beard Pat acpt-pub ltr 01 30 2006

Enclosure

NOTICE OF APPLICATION FOR CHANGE/TRANSFER OF WATER RIGHT UNDER ONE (1) SURFACE WATER CERTIFICATE

TAKE NOTICE:

That Pat Beard of Walla Walla, Washington has made application for change/transfer of water right in order to change the place of use as granted under Surface Water Certificate No. 1837-A together with Certificate of Change No. 207.

That Certificate No. 1837-A with Change No. 207 authorizes the diversion of 0.186 cubic foot per second from April 1 to July 1, 0.140 cubic foot per second from July 1 to Oct. 1, and 0.280 cubic foot per second from Oct. 1 to April 1 for the irrigation of 14 acres.

That the present point of diversion is from the Walla Walla River, tributary to the Columbia River, within the NE½NE½ of Sec.33, T. 7 N., R. 34 E.W.M.

That the present place of use is within the E½E½ of Sec. 29, T. 7 N., R. 34 E.W.M. A more specific legal description may be viewed at Ecology's Eastern Regional Office in Spokane.

That he proposes to change the place of use to the following: Tracts 1, 2, and 3 of Short Plat recorded April 10, 1998, in Book 3, Page 179, under Auditor's File No. 9803841, situated within the E½E½ of Sec. 29, T. 7 N., R. 34 E.W.M..

All within Walla Walla County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-dollars (\$50.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty-(30) days from

(Last date of publication to be entered above by publisher)

State of Washington Department of Ecology 4601 North Monroe Spokane, WA 99205-1295

NOTICE

KT: kla

TR 3 SP3/179

1804445

IN WALLA WALLA WALLA WALLA APR 24 12 40 PH '98

FILED FOR RECORD AT REQUEST OF: Land Title of Walla Walla County inc. WALLA WALLA CO, TREASURE REAL ESTATE EXCISE TAX PAID

> APR 24 1998 NO. 90285

LT8413

PAT BEARD KAY LYNN BEARD 624 COUNTY ROAD #5

WHEN RECORDED RETURN TO:

MILTON-FREEWATER, OR 97862

Statutory Warranty Deed

THE GRANTORS FRANK J. O'LEARY and MARIANNE O'LEARY, husband and wife:

for and in consideration of ten dollars and other valuable consideration

in hand paid, convey(s) and warrant(s) to PATRICK BRYAN BEARD and KAY LYNN STEVENS BEARD, husband and wife;

the following described real estate, situated in the County of Walla Walla, State of Washington:

Tract 3 of Short Plat recorded April 10, 1998 in Book 3 of Short Plats at Page 179 as Auditor's File No. 9803841, records of Walla Walla County, State of Washington.

Situated in Walla Walla County, State of Washington.

APN: 34-07-29-14-0011 (seg); 34-07-29-14-0015 (seg)

Dated 4/22/98

Frank 2. O Leary

Marianne O'Leary

STATE OF WASHINGTON County of Walla Walla

)) ss.

I hereby certify that I know or have satisfactory evidence that <u>Frank J. O'Leary and Marianne O'Leary</u> are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Notan: Priblic in and for the State of Washington

residing at Walla Walla

My appointment expires 0/20/99

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FILED FOR RECORD IN WALLA WALLA CO WASH WITTLE OF WALLA WALLA

3 12 PM '98'ALLA WALLA CO. TREASURE REAL ESTATE EXCISE TAX

FILED FOR RECORD AT REQUEST OF: FILED FOR RECORD AT REGULES OF Land Title of Walla Walla County inc.

COUNTY AUDITOR

PAID MAY 14 1998

NO. 90418

WHEN RECORDED RETURN TO: Michael D. Dunham Joanne Dunham Route 2 Box 286 Walla Walla, WA 99362

LT8822

Statutory Warranty Deed

THE GRANTORS FRANK J. O'LEARY and MARIANNE O'LEARY, husband and wife;

for and in consideration of ten dollars and other valuable consideration

in hand paid, convey(s) and warrant(s) to MICHAEL D. DUNHAM and JOANNE DUNHAM, husband and wife;

the following described real estate, situated in the County of Walla Walla, State TRACT 2 TO STOKES

Tracts 1 and 2 of Short Plat recorded April 10, 1998 in Book 3 of Short Plats at Page 179 as Auditor's File No. 9803841, records of Walla Walla County, State of Washington.

Situated in Walla Walla County, State of Washington.

APN: 34-07-29-14-0016; 34-07-29-14-0017

STATE OF WASHINGTON

County of Walla Walla

) ss.

I hereby certify that I know or have satisfactory evidence that Frank J. O'Leary and Marianne O'Leary are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated:

Notary Public in and for the State of Washington

residing at Walla Walla

My appointment expires 02/20/99

AFTER RECORDING MAIL TO:

walla walla title company po box 1058 walla walla, wa 99362

Escrow No.: 52640E

Statutory Warranty Deed

THE GRANTORS, MICHAEL D. DUNHAM and JOANNE DUNHAM, husband and wife

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

in hand paid, conveys and warrants to TOM A. STOKES AND REBECCA L. STOKES, HUSBAND AND WIFE,

the following described real estate, situated in the County of WALLA WALLA, State of Washington:

Tract 2 of Short Plat recorded May 19, 2000 in Volume 3 of Short Plats at Page 270 as Auditor's File No. 0004817 being a revision of that short plat recorded in Volume 3 of Short Plats at Page 179 as Auditor's File No. 9803841.

Situated in Walla Walla County, State of Washington.

SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any.

Assessor's Property Tax Parcel Account Number(s): 34-07-29-14-0020

Dated this 23 day of Dien, 2005

MICHAEL D. DUNHAM

PROPOSED WATER RIGHT DIVISION

WW Adj. Cert. No. 90; SW Cert. No. 1837 w/Chg 270

Tract 1: 6 acres of SW Cert. No. 1837

3 acres of WW Adj. Cert. No. 90

(DUNHAM)

Tract 2: 3 acres of SW Cert. No. 1837

2 acres of WW Adj. Cert. No. 90

(STOKES)

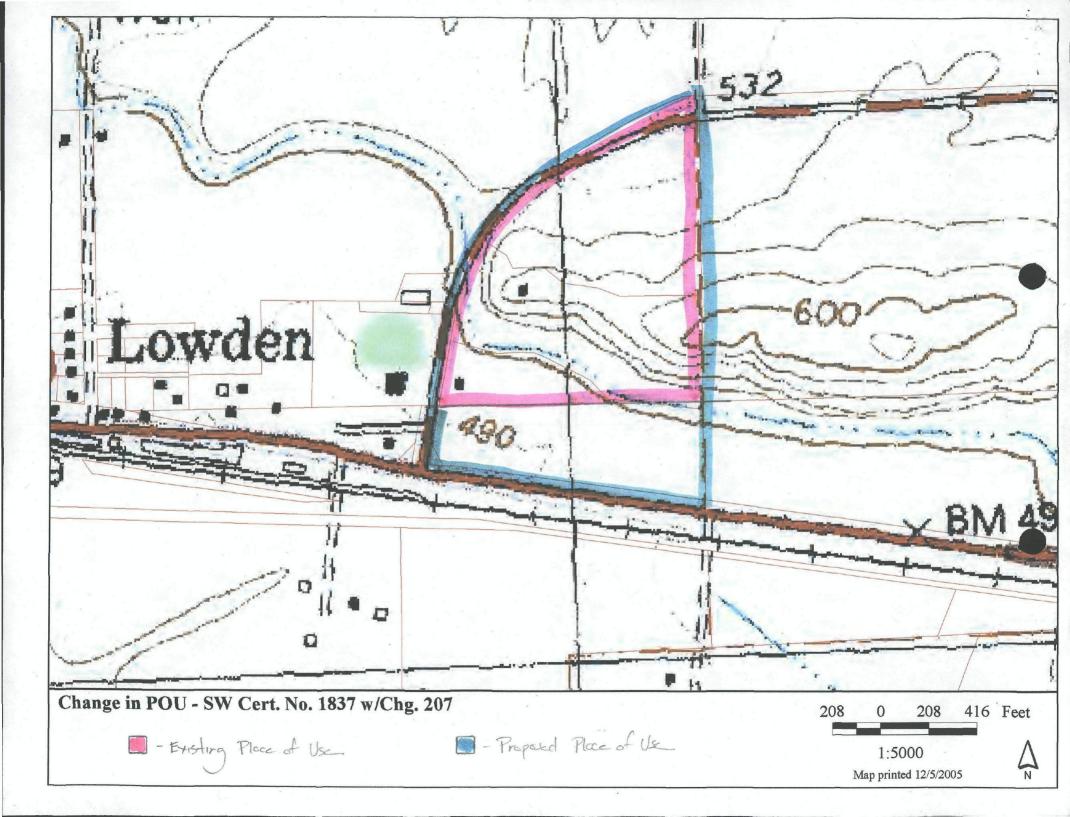
Tract 3: 5 acres of SW Cert. No. 1837

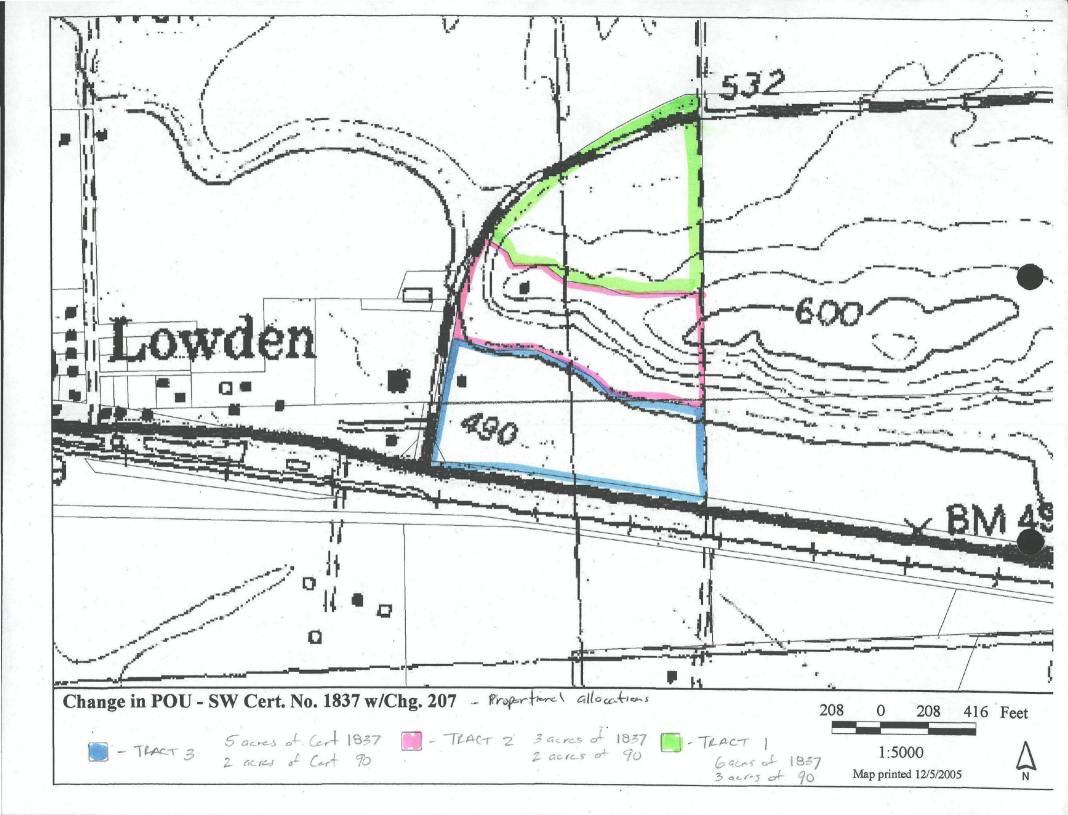
2 acres of WW Adj. Cert. No. 90

(BEACD)

NOTE: WOULD LIKE TO KEEP LEATIFICATES WHOLE, BUT IN THE

EVENT OF CONFLICT PEFIELT DEFRED PLLOCATIONS, ABOVE.







Walla Walla County Assessor

315 W Main Street Walla Walla, WA 99362 Phone: (509) 527-3216



Farm Residence Data Sheet

Parcel Information

Parcel Number: 340729140018

Situs:

Map Number: 0734-29-14-000000-000-00018 00076 \LOWER DRY CREEK RD

Legal:

SEC 29 TWN 7 RNG 34 TRACT 3 OF SHORT

PLAT (SLY PTN TAX 4 WITHIN SE~1/4NE1/4 &

NE1/4SE1/4)~

Deeded Acres: 11.76

Ownership Information

Current Owner: BEARD, PATRICK B & KAY

Address: City, State: 76 LOWER DRY CREEK RD WALLA WALLA, WA

Zipcode:

99362-

Physical Information

Type: Quality:

Good

Condition:

Arch Type:

N/A Style:

Exterior Wall:

Basement

Finish:

Bedrooms:

Mobile Home (4)

Good

100 % Hardboard

Floor Area: 1512

Basement Area: 0

3

Baths:

2 Plumbling

Fixtures:

Heat Type:

Baseboard Electric (7) Composition Shingles (1)

Roof Type: Garage Type:

Garage Size:

Year Built / Age: 1998 / 8

Effective Age:

Remodel Date: Remodel Type:

Agland Information

Class	Type	Use	# .
2000	2000	OTHER	
HS3	35000	HOME	

Total Acres: 11.76

Acres

10.76

Site Improvement Information

Code	Description	Year In	# Units
LNT	OPEN SHED	1998	144
LNT	OPEN SHED	1998	144
LNT	OPEN SHED	1998	408
LNT	OPEN SHED	1998	408
FRES	FREESTALL BARN	2000	864
UTIL	UTILITY~BUILDING	2000	384
LNT	OPEN SHED	1998	144

